



Wake County Animal Control Ordinance

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Wake County Animal Control Ordinance

ARTICLE I

Section 2-3-1. Definitions

Abandon: To forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care for twenty-four or more consecutive hours.

Abuse:

- (1) Failing to provide an animal with adequate food and potable water for more than 24 hours without written instructions from a veterinarian who has recommended withholding food and water for medical reasons, or failing to consistently provide food at intervals sufficient to maintain the animal's health and well-being;
- (2) Overworking or overdriving any animal causing physical pain, suffering, or death to the animal;
- (3) Beating, torturing, molesting, harassing, injuring, tormenting, poisoning, or mutilating any animal causing physical pain, suffering, or death to the animal;
- (4) Failing to provide adequate medical attention for any sick, diseased, or injured animal in order to prevent physical pain, suffering, or death to the animal;
- (5) Keeping any animal under conditions which cause physical pain, suffering, disability or death to the animal or which increase the probability of the transmission of disease;
- (6) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.) and which is large enough to allow the animal to make normal body movements;
- (7) Failing to provide for animals, which are kept outside, a shelter, which is surrounded on three (3) sides, covered by a roof, and has a floor (excluding barns), and which is structurally sound, maintained in good repair, and constructed in such a manner that it is water and wind resistant;
- (8) Conveying any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle or in a truck or the back of a truck in such a way as to cause physical pain, suffering, disability, or death to the animal; or
- (9) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to cause physical pain, suffering or death to the animal due to temperature, lack of food or drink, or such other conditions.

Animal: Excluding fish, any non-human vertebrate species, domestic or non-domestic.

Animal Bite: An animal bite occurs when the teeth of the animal scratch or break the skin of a human being or animal, regardless of the location of the scratch or bite on the body.

Animal Shelter: Any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this ordinance.

At Large: Any animal shall be deemed to be at large when it is off the real property or premises of its owner and not under the restraint of a competent person. Real property in this context means curtilage and does not include public right of ways or easements.

Attack: An approach to a person by an unrestrained animal in a vicious, terrorizing or threatening manner or apparent attitude of attack, without the animal having been teased, molested, provoked, beaten, tortured, or otherwise harmed.

Attack Training Facility: Any person, group of persons, partnership or corporation engaged in boarding, breeding, selling or training dogs or other animals in mode of attack.

Dangerous Dog: Any dog that has demonstrated a fierce or dangerous propensity or tendency to do any act, which may endanger persons or property and/or any non-domesticated animal indigenous to the state of North Carolina including hybrid animals that are part wild. This would include but not be limited to any dog which (1) assaults, bites, attacks or inflicts serious injury on a human being without provocation on public or private property and/or (2) which has killed or injured a pet or domestic animal. **Exceptions:** No dog is dangerous pursuant to this definition if at the time the threat, injury or damage was sustained, the person attacked was teasing, tormenting, abusing or assaulting the dog or has in the past teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. Nor shall a dog be considered dangerous pursuant to this definition if it has attacked or injured a pet or domesticated animal in defense of an attack by another animal or if it is protecting or defending its young.

Dealer: Any person who is licensed by the U.S. Department of Agriculture as a dealer.

Domestic Animal: Any of various animals such as horses, sheep, cattle, goats, hogs, poultry, etc; domesticated by man so as to live and breed in a tame condition.

Exhibitor: Any person who is licensed by the U.S. Department of Agriculture as a exhibitor.

Exposed to Rabies: An animal has been exposed to rabies within the meaning of this ordinance, if it has been bitten by, or been exposed to, any animal known or suspected to have been infected with rabies.

Impoundment: The placement of an animal in the custody of the Wake County Animal Control Section or person or entity duly authorized by ordinance of the Board of County Commissioners or by state law for such purpose.

Inherently Dangerous Mammal: Inherently dangerous mammal is any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

- (1) **Canidae**, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (Canis familiaris).
- (2) **Felidae**, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (Felis catus).
- (3) **Ursidae**, including any member of the bear family, or any hybrids thereof.

Kennel, Dealer, or Breeder : Any person, group of persons, partnership or corporation engaged in buying, selling, breeding or boarding animals.

Neutered: Any male animal, which has been operated upon to prevent reproduction.

Owner: Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal for more than five (5) days. The owner is responsible for the care, actions and behavior of his animals. In the event that the owner of an animal is a minor, the parent or guardian of such minor shall be held liable for non-compliance with the provision of this ordinance.

Owner's Real Property: Any real property owned or leased by the owner of the animal, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

Pet: A domesticated animal kept for pleasure rather than utility.

Premises: A definite portion of real estate including land with its appurtenances, a building or part of a building; curtilage.

Restraint: An animal is under restraint within the meaning of this ordinance if it is (1) controlled by means of a chain, leash, or other like device; (2) on or within a vehicle being driven or parked; (3) within a secure enclosure; or (4) within the dwelling house of the owner.

Secure Enclosure: A fence or structure of adequate height, forming or causing a humane enclosure suitable to prevent the animal from escaping and to prevent the entry of children. A home, mobile home, underground fence or separate garage is not secure housing. (Secure enclosure is for dangerous dog-housing only, not to be confused with animal quarantine.)

Spayed: Any female animal, which has been operated upon to prevent conception.

Sterilization: Any surgical or chemical procedure performed by a licensed veterinarian that renders any male or female animal permanently incapable of reproducing.

Stray: Any animal, which is running at large or appears to be lost, unwanted or abandoned; or whose owner is unknown or not readily available.

Section 2-3-2. Establishment and Composition of the Animal Control Section

- A. There is hereby created the Animal Control Section of Wake County, which shall be composed of such employees and or officials, as shall be determined by the Board of Commissioners.
- B. Employees or agents enforcing this chapter shall be designated as animal control officers. In the performance of their duties, animal control officers shall have all the powers, authority and immunity granted under this ordinance and by the general laws and statutes of this state to enforce the provisions of this ordinance, relating to the care, treatment, control or impounding of animals.
- C. Except as may be otherwise provided by statutes, laws or ordinances, no officer, agent or employee of the county charged with the duty of enforcing the provisions of this ordinance or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.

Section 2-3-3. General Duties of Animal Control Section

- A. The Animal Control Section shall be charged with the responsibility of:
 - 1. Enforcing, in this county, all state and county laws, ordinances and resolutions relating to the care, custody and control of animals.
 - 2. Assisting in the enforcement of the laws of the state with regard to animals and especially with regard to vaccination of animals against rabies and the confinement or controlling of dangerous dogs.
 - 3. Investigating cruelty or abuse with regard to animals.
 - 4. Making such canvasses of the county, including the homes in the county, as it deems necessary or as requested by law enforcement of the Wake County municipalities for the purpose of ascertaining that all animals are vaccinated against rabies as required by local ordinance or state statute.
 - 5. Operating, pursuant to policies of the Board of County Commissioners, the county animal shelter(s).

- B. It shall be the duty of the Animal Control Section to keep, or cause to be kept, accurate and detailed records of:
 - 1. Impoundment and disposition of all animals coming into the animal shelter or shelters.
 - 2. Bite cases, violations and complaints, and investigation of same.
 - 3. All monies belonging to the county derived from impoundment fees, penalties and sales of animals.
 - 4. All other records deemed necessary by the Wake County Environmental Services Director or designee.

Section 2-3-4. General Duties of Keepers of Animals

- A. It shall be unlawful for any person to abuse an animal.
- B. It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to leave that animal on a street, road, highway, public place or private property without having made adequate provision for the animal's care.
- C. Breeding and reproduction of diseased animals prohibited. A person owning or having possession, charge, custody or control of an animal shall not breed, sell, give away, or allow to reproduce any animal with a disease contagious to animals or human beings.

Section 2-3-5. Cruelty to Animals

- A. It shall be unlawful for any person to abuse, molest, torture, torment, deprive of necessary sustenance, beat, mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful shooting of birds, deer and other game for human food; nor to prohibit an animal's owner, a veterinarian, the Director of Environmental Services or Animal Control Section agents from destroying dangerous, unwanted or injured animals in a humane manner, nor to prohibit the lawful use of animals in scientific research.
- B. Animal cruelty investigator(s) may be appointed by the Wake County Board of Commissioners as provided under General Statute 19A-45. An animal cruelty investigator has the responsibility for carrying out the defined duties of an animal cruelty investigator as mandated by Article 4 of General Statutes 19A. An animal control officer may be requested to accompany the investigator on animal seizures.

Section 2-3-6. Adequate Feed, Water and Shelter

- A. All dogs and cats shall be given adequate feed, adequate water and adequate shelter. Adequate shelter is an enclosure of at least three (3) sides, a roof and a floor. The enclosure shall be ventilated and must have sufficient room for the animal(s) to move about freely and to lie comfortably.
- B. Animals housed under the following conditions shall not constitute adequate shelter:
- Underneath outside steps, decks and stoops;
 - Inside of vehicles;
 - Underneath vehicles;
 - Inside metal or plastic barrels or cardboard boxes;
 - Rooms, sheds or other buildings without windows or proper ventilation.

Section 2-3-7. Animals at Large

- A. It shall be unlawful for any owner to permit an animal to be at large.

The Animal Control Section shall confiscate any animal found to be at large and impound it at the Wake County Animal Shelter in accordance with the provisions of Article III.

- B. An owner may lawfully permit an animal which is not dangerous to be at large in the course of a show, obedience school, tracking tests, field training, or other events sanctioned or supervised by a recognized organization. Hunting dogs may be at large in the course of hunting if under the control of the owner.

However, this provision does not exempt an owner from otherwise complying with Section 2-3-8 or any other provision of this Ordinance.

- C. Public Parks. It shall be unlawful for any person owning or having possession, charge, custody or control of any dog to take the dog into or allow the dog to enter any public park without being at all times under the restraint of a leash unless said park is designated as a dog park.
- D. It shall be unlawful for any person owning or having possession, charge, custody or control of a female dog or female cat to allow that animal to be at large during its estrous period. During this period, the owner or person having possession of the animal must restrain the animal in an enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners or keepers of the animals involved.

- E. Any owner permitting an animal to be at large shall pay a civil penalty of:
 - (1) First violation: \$100.00 plus shelter reclaim fee and any boarding fee.
 - (2) Second violation: \$150.00 plus shelter reclaim fee and any boarding fee.
 - (3) Succeeding violation: \$200.00 plus shelter reclaim fee and any boarding fee.
- F. Said penalty shall be paid within 72 hours of the issuance of a citation for violation of this section.
- G. Any owner reclaiming an animal that has been running at large shall be required to have their animal microchipped by a licensed veterinarian within 72 hours of reclaim.

Section 2-3-8. Animals Creating Nuisance

- A. It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a nuisance.
- B. The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public; or interferes with the ordinary use and enjoyment of private or public property. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a nuisance and are therefore unlawful:
 - 1. Maintaining an animal that habitually or repeatedly disturbs, interferes with or annoys human beings.
 - 2. Maintaining an animal that tips over garbage pails or damages gardens, flowers or vegetables.
 - 3. Failing to confine in a building or secure enclosure a female dog while in estrus.
 - 4. Allowing or permitting an animal to bark, whine, howl or yowl in an excessive, continuous or untimely fashion, or to make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises. Any person lodging such complaint shall be responsible for pursuing available judicial remedies by filing the action with the appropriate judicial authority.
 - 5. Maintaining an animal that chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers or farm stock or domestic animals.
 - 6. Maintaining an animal that habitually or continuously loiters on public places.

7. Maintaining an animal that is diseased and dangerous to the health of the public unless under the care of a licensed veterinarian.

Section 2-3-9. Destruction of Animals that Cannot be Seized by Reasonable Means.

Notwithstanding any other provision of this chapter, an animal that cannot be seized by reasonable and normal means, retrieved by an animal control officer, trapped in a humane, live-capture animal trap provided by the Animal Control Section, or tranquilized by Animal Control personnel, may be humanely destroyed in the field upon the authorization of the Animal Control director or the director's designee. Provided, a vicious animal, a dangerous animal so designated by the Animal Control Section, or an animal attacking a human being, another pet, or livestock may be immediately destroyed if, in the opinion of the Animal Control Section Field Supervisor or designee or animal control officer, such destruction is necessary for the protection of the public health and safety of the public or livestock.

Section 2-3-10. Setting Humane Animal Traps and Authority to Receive Trapped Animals.

The Animal Control Section is authorized to place, upon request of the property owner or lessee, live-capture animal traps on private or public property to trap and remove stray, at large, abandoned, or nuisance animals. It is unlawful for any person other than an animal control officer or the officer's designee to remove any animal from the trap or to damage, destroy, move, or tamper with the trap. The Animal Control Section is authorized to receive and impound animals that are trapped by other agencies or persons.

Section 2-3-11. Confinement and Control of Inherently Dangerous Mammals

- A. It shall be unlawful for any owner to keep an inherently dangerous mammal within the county.
- B. **Exemptions**

The following shall be exempt from this ordinance:

1. Any nonprofit institution or exhibitor or dealer, which owns or harbors inherently dangerous mammals for research, provided that such institution/facility/premises are licensed by the U.S. Department of Agriculture or Interior.
2. Traveling fairs, circuses and carnivals shall also be exempt from this section.
3. Any inherently dangerous mammal registered with the Animal Control Section prior to June 3, 1996.

C. Recapturing

The owner of any inherently dangerous mammal shall reimburse Wake County for all costs incurred while attempting to recapture any said mammal. If the animal is sheltered or euthanized by Animal Control, the owner shall also pay these costs.

Section 2-3-12. Confinement and Control of Dangerous Dogs or Potentially Dangerous Dogs

- A. It is unlawful for any owner to maintain or harbor unconfined or unrestrained any dangerous dog or potentially dangerous dog.
- B. The owner will be notified in writing to confine the dog or potentially dangerous dog in a secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog is on the premises. Said sign shall not exceed one foot by two feet or two square feet in area; and, shall be deemed an incidental sign for the purposes of the Wake County Zoning Ordinance.
- C. The owner shall have 30 days from the date of notification to provide a humane, secure enclosure. The animal deemed "Dangerous" shall be under constant restraint on the owner's property during this period.
- D. An animal control officer is empowered to confiscate the dangerous dog or potentially dangerous dog and harbor it at the owner's expense pending the owner's construction of a humane secure enclosure. If any dangerous dog is confiscated under this provision, the owner of the dangerous dog shall be given written notice at the time of confiscation that if the owner fails to provide a secure enclosure upon the expiration of thirty days from confiscation, the Animal Control Section is authorized to dispose of the dog. If the owner constructs a secure enclosure that is approved by Animal Control, the dog may be redeemed within thirty days from confiscation so long as all fees owed to Animal Control for harboring, caring and maintaining the dog are paid.
- E. Dogs trained or being trained in mode of attack are subject to this section.

Section 2-3-13. Dangerous Dogs Required to be Spayed/Neutered

If a dog is declared to be a "dangerous dog" by the Animal Control Section, or has bitten a human or animal without being provoked, the dog's owner shall have the dog spayed/neutered within thirty (30) days of said event and shall provide proof that the dog has been spayed/neutered to the Animal Control Section.

Section 2-3-14. Requirements for Attack Training Facility

It shall be unlawful for any person, group of persons, partnership or corporation to conduct training in mode of attack for dogs or other animals at any location unless such training is conducted within a secure enclosure.

Such training within a secure enclosure within the meaning of this ordinance if it is performed within (1) a fence or structure of adequate height to prevent the dog or animal from jumping, climbing or otherwise escaping from the enclosure and (2) said training is conducted in the presence of the owner(s) or trainer(s) at all times.

Any dog or animal trained or being trained in mode of attack is deemed to be dangerous and is subject to all the provision of this ordinance relative to dangerous dogs or dangerous animals.

Section 2-3-15. Confiscation of Dangerous Dog

Any dangerous dogs not kept in accordance with the requirements of this ordinance, may be confiscated by the animal control officer and harbored at the owner's expense until the owner complies with the requirements of this chapter, or disposed of as provided in Section 2-3-12.

Section 2-3-16. Required Notification to Animal Control Section by Owners of Dangerous Dog or Potentially Dangerous Dog

The owner of a dangerous dog or potentially dangerous dog shall inform the Animal Control Section as soon as practicable, but not later than 24 hours, after the occurrence of any of the following:

- (1) An assault, attack or biting upon a human committed by any such animal in the owner's care or control.
- (2) An attack or biting upon any domesticated animal or pet while said dog is off the owner's property.
- (3) The destruction of or damage to property of another by said dog.
- (4) The roaming or escape of any dog required to be restrained or confined to a secure enclosure.

Section 2-3-17. Dogs or Animals Used for Sentry or Guard Duty

Any person owning, maintaining or harboring a dog or other animal for sentry or guard purposes must register said dog or animal with the Animal Control Section.

A sign warning that there is a guard or sentry dog or animal on the premises shall be displayed. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog or animal is on the premises. Said sign shall not exceed one foot by two feet or two square feet in area; and, shall be deemed an incidental sign for the purposes of the Wake County Zoning Ordinance.

Section 2-3-18. Teasing and Molesting

It shall be unlawful for any person to tease or molest any animal.

Section 2-3-19. Law Enforcement Dogs Excluded

Any dog used by a law enforcement agency in the investigation of crimes or as otherwise necessary in the enforcement of the law is excluded from requirements of this ordinance.

Section 2-3-20. Interference with Enforcement of Ordinance

It shall be unlawful for any person to interfere with, hinder or molest Animal Control Section agents or officers or veterinarians in the performance of any duty authorized by this chapter, or to seek to release any animal in the custody of such agents or officers.

Section 2-3-21. Imposition of Penalties for Violations of Ordinance

- A. Except as otherwise provided, any person who violates any provision of this ordinance, shall be fined a civil penalty of two hundred dollars (\$200). If the violation is continued, each day's violation shall constitute a separate offense. Payment of said penalties shall be made within ten (10) days. Civil penalties may be assessed by citation and recovered by Wake County in a civil action in the nature of a debt.
- B. If any dangerous dog or potentially dangerous dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human, the owner shall pay a five hundred dollar (\$500.00) civil penalty and, after a ten (10) day waiting period exclusive of Sundays and holidays, said dog shall be destroyed by the Animal Control Section. For each owner's subsequent violation said owner shall pay a fifteen hundred dollar (\$1500.00) civil penalty for owning or keeping a dangerous dog which attacks, assaults, wounds, bites or otherwise injures or kills a human.
- C. If any dangerous dog or potentially dangerous dog shall, when unprovoked, kill, wound or assist in killing or wounding any domestic animal or pet, the owner of said dog shall pay a two hundred fifty dollar (\$250.00) civil penalty. The Animal Control Section shall confiscate and, after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays, destroy said dangerous dog. For each subsequent violation, said owner shall pay a civil penalty of five hundred dollars (\$500.00).
- D. Violation of this ordinance may subject the violator to criminal as well as civil action. In addition to the civil penalties or fees imposed under this ordinance, violation of this ordinance shall be a misdemeanor for which a criminal summons may be issued. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes, civil penalties or fees imposed under this ordinance.

- E. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.

ARTICLE II

RABIES CONTROL

Section 2-3-22. Compliance with State Law, Article as Supplement to State Law

- A. It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.
- B. It is the purpose of this article to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

Section 2-3-23. Inoculation of Dogs, Cats and Other Pets

- A. It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary by the County Environmental Services Director, the County Human Services Director, the County Manager, or the State Public Health Veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.
- B. When a licensed veterinarian administers rabies vaccine to a dog or cat, the dog or cat shall be re-vaccinated one year later and every three years thereafter, if a rabies vaccine licensed by the U.S. Department of Agriculture as a three-year vaccine is used. Annual re-vaccination shall be required for all rabies vaccine used other than the U.S. Department of Agriculture three-year vaccine. When a certified rabies vaccinator administers rabies vaccine to a dog or cat, the dog or cat shall be re-vaccinated annually.

Section 2-3-24. Inoculation Tag and Proof of Vaccination for Dogs and Cats

- A. Upon complying with the provision of Article, there shall be issued to the owner of the animal inoculated a numbered metallic tag, stamped with the number and the year for which issued, and indicating that the animal has been inoculated against rabies.
- B. It shall be unlawful for any dog owner to fail to provide the dog with a collar to which a current tag issued under this section is securely attached. The collar with attached tag, must be worn at all times, except during the time the dog is hunting or

is performing at shows, obedience trials, tracking tests, field trials, schools or other events sanctioned and supervised by a recognized organization.

- C. It shall be unlawful to use for an animal a rabies inoculation tag issued for another animal.
- D. It shall be unlawful for the owner or custodian of a dog or cat to fail to provide written proof that the animal has a current rabies inoculation when the Animal Control Section demands written proof.

Section 2-3-25. Evidence of Inoculation of Cats

Cats shall not be required to wear the metallic tag referred to in Section 2-3-24 of this article, but the owner of a cat shall maintain the rabies vaccination certificates as written evidence to prove that the cat has a current rabies inoculation.

Section 2-3-26. Report and Confinement of Animals Biting Persons or Showing Symptoms of Rabies

- A. Every dog, cat, or ferret which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the Animal Control Section, and thereupon shall be securely quarantined, at the direction of the Animal Control Section, for a period of ten (10) days, and shall not be released from such quarantine except by written permission from the Animal Control Section.
- B. It shall be unlawful for any person to fail to report as soon as possible that an animal has bitten a person. It shall be unlawful for any person to fail to inform the Animal Control Section of the whereabouts of an animal that has bitten a person, if the owner or keeper has given the animal away or in any way caused the animal to be taken from the owner's or keeper's premises.
- C. If there is any evidence that an animal bite may have occurred, it shall be assumed by law that a bite did occur and quarantine procedures shall apply if required.
- D. Every dog, cat or ferret quarantined under this section shall be confined at the expense of its owner or keeper in a veterinary hospital or at the county animal shelter, if space is available; provided, however, that if an animal control officer determines that the owner or keeper of a dog, cat or ferret which must be quarantined has adequate confinement facilities upon his own premises, the animal control officer may authorize the dog, cat or ferret to be confined on such premises upon proof of current vaccination against rabies. If the dog, cat or ferret is confined on its owner's or keeper's premises, an animal control officer shall revisit the premises for inspection purposes on the fifth and tenth day of the confinement period. If the owner or keeper fails to provide continuous quarantine of the dog, cat, or ferret on his premises as instructed, the animal shall be removed by an animal control officer and quarantined at a veterinary hospital or at the county animal shelter at the owner's cost. The owner or keeper shall agree in writing to the above

conditions prior to the animal control officer authorizing confinement on the owner or keeper's property.

- E. In case of stray animals of unknown ownership, the supervised quarantine required shall be at the county animal shelter or at a licensed veterinary hospital.
- F. In case of stray dogs, cats or ferrets whose ownership is not known, the dogs, cats or ferrets may be euthanized and the head examined for rabies or kept for the supervised quarantine period required by this section at the county animal shelter or at a licensed veterinary hospital.
- G. If rabies does not develop within ten (10) days after a dog, cat or ferret is quarantined under this section, the dog, cat or ferret may be released from quarantine with the written permission of the Animal Control Section. If the dog, cat or ferret has been confined in the county animal shelter, the owner shall pay any necessary veterinarian fees and a boarding fee approved by the Board of County Commissioners.
- H. In the case of a carnivore or bat the animal may be euthanized and the head examined for rabies.
- I. Stray, owner-surrendered, or abandoned animals that have bitten a person shall not be considered adoptable and shall be disposed of as otherwise provided in this chapter.

Section 2-3-27. Destruction of Infected Dogs or Cats, Protection of Vaccinated Dogs and Cats

When the Director of Environmental Services or designee reasonably suspects that a dog or cat has been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the dog or cat shall be considered to have been exposed to rabies. If the dog or cat has a current rabies vaccination and the first vaccination was administered not less than three weeks prior to the exposure it must be given a booster dose of rabies vaccine within three days (72 hours) of the exposure and may be returned to the owner. If the dog or cat does not have a current rabies vaccination or does not get a booster dose within three days (72 hours) of exposure it shall be destroyed immediately. As an alternative to destruction, the dog or cat may be quarantined at a licensed veterinary hospital or approved boarding kennel for a period of six months. Neither the county animal shelter nor the owner's premises may be used for the purpose of this quarantine.

Section 2-3-28. Area-Wide Emergency Quarantine

- A. When reports indicate a positive diagnosis of rabies, the Director of Environmental Services may order an area-wide quarantine for such period as he deems necessary. Upon invoking of such emergency quarantine, no dog, cat or other carnivores shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no dog or cat or other carnivore may be taken or shipped from the

county without written permission of the Animal Control Section, and the police and sheriff's departments are hereby directed during such emergency, to impound any dog, cat or other carnivore found running at large in the county. During the quarantine period, the Animal Control Section or local health authorities shall provide for a section of mass immunization by the establishment of temporary emergency rabies vaccination facilities located throughout the county.

- B. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the Director of Environmental Services.

Section 2-3-29. Postmortem Diagnosis

- A. If an animal dies while under observation for rabies, the head of such animal shall be submitted to the Department of Environmental Services for shipment to the State Laboratory of Public Health for rabies diagnosis.
- B. The carcass of any animal suspected of dying of rabies shall be surrendered to the Animal Control Section. The head of such animal shall be submitted to the Department of Environmental Services for shipment to the State Laboratory of Public Health for rabies diagnosis.

Section 2-3-30. Unlawful Killing, Releasing, etc, of Certain Animals

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the county without written permission from the Animal Control Section and the Director of Environmental Services.

Section 2-3-31. Failure to Surrender Animal for Quarantine or Destruction

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this Article or when the Animal Control Section makes demand.

ARTICLE III.

IMPOUNDMENT

Section 2-3-32. Generally

Any animal, which appears to be lost, stray or unwanted, or which is not wearing a valid rabies vaccination tag, as required by state law or this ordinance, and found at large, shall be impounded by the Animal Control Section and confined in an animal shelter. Impoundment of such an animal shall not relieve the owner thereof from any penalty, which may be imposed for violation of this ordinance.

Section 2-3-33. Notice to Owner

Immediately upon impounding an animal, the Animal Control Section shall make reasonable effort to notify the owner and inform such owner of the conditions whereby the animal may be redeemed. If the owner is unknown or cannot be located, the animal shall be assigned an impoundment identification number and release date. The impoundment identification number and release date shall be posted on the animal's cage or kennel at the animal control shelter for a minimum of three (3) business days and any information about the animal, including the time and place of the taking of such animal and the time and date of posting the notice of impoundment, shall be available at the animal control shelter by reference to the impoundment identification number.

Section 2-3-34. Redemption by Owner Generally

- A. The owner of an animal impounded under this article may redeem the animal and regain possession thereof within seventy-two (72) hours or 3 business days after notice of impoundment is given or posted, as required by Section 2-3-33, by complying with all applicable provisions of this chapter and paying any necessary veterinarian's fee, boarding fee and cost incurred in capture approved by the Board of County Commissioners.
- B. No animal owner may be permitted to adopt his own animal under the provisions of Section 2-3-35 in order to reclaim an animal that has been impounded pursuant to state law or this ordinance.

Section 2-3-35. Destruction or Adoption of Unredeemed Animals Generally

- A. If an impounded animal is not redeemed by the owner within the period prescribed in Section 2-3-34, it may be destroyed in a humane manner or shall become the property of the animal shelter and offered for adoption. A new adult owner who agrees to comply with this ordinance may acquire an impounded animal; however, any prospective new owner shall not be an animal dealer who acquires animals for resale. The prospective new owner must pay any required fees. The county will not purposefully release for adoption any animal that has previously bitten a person, is aggressive or is potentially dangerous. Fees may be waived at the discretion of the Environmental Services Director or designee for

rescue groups and other animal welfare groups that apply in writing to the Section. The placement of animals with these organizations will be determined on a case-by-case basis.

- B. All unsterilized dogs and cats 5 months of age or older adopted from the Wake County Animal Shelter shall be either spayed or neutered within (30) days of their adoption. All animals adopted under 5 months of age shall be spayed or neutered at 6 months of age. The adopter shall promptly provide written proof of the sterilization to the Animal Control Section. The adoption of any animal not sterilized pursuant to this section shall be deemed to violate the provision of this section and must be returned by the applicant for re-adoption to the Wake County Animal Shelter. The Animal Control Section is authorized to obtain an adoption agreement from an applicant to implement the provisions of this section.
- C. The animal shelter shall require from the adopter a sterilization deposit fee established by the Board of Commissioners to insure that sterilization is obtained in addition to the established adoption fee if the animal has not been sterilized prior to its being adopted.

When written proof that a licensed veterinarian has performed the required sterilization is returned to the Animal Control Section, a fee equal to the sterilization portion of the deposit will be reimbursed to the adopter. A person who fails within the specified time to arrange for the sterilization of an unsterilized cat or dog adopted from the animal shelter forfeits the sterilization deposit fee and shall surrender the cat or dog to the animal shelter.

- D. No animal which has been impounded by reason of its being a stray and unclaimed shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to Section 2-3-28 except by special authorization of the Director of Environmental Services.
- E. Any animal that exhibits fierce, dangerous or aggressive behavior will not be offered for adoption.

Section 2-3-36. Procedure with Respect to Redemption or Adoption of Unvaccinated Dog or Cat

- A. Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog or cat at the animal shelter shall have his animal vaccinated for rabies. A one-year vaccination may be obtained at the time of reclaim or adoption at the Wake County Animal Shelter. If the owner or adopter wishes to receive the vaccine for his animal at a veterinary practice of their choice they will be given a "proof of rabies vaccination card" at the time of the redemption or adoption. This card will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of such person's choice for rabies vaccination. The time limit for dogs and cats four (4) months and older will be seventy-two (72) hours, with Sundays and holidays excluded. For puppies and kittens under four (4) months, the Environmental Services Director or his designee will determine the time limit according to their age within seventy-two hours of the designated date.

- B. The "proof of rabies vaccination card" will be completed and returned to the animal shelter by the veterinarian. If this card is not returned to the animal shelter within the time limit specified on the card, an animal control officer will be dispatched to retrieve the dog or cat.
- C. Payment for the rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.
- D. The adoption agreement will be completed at the time of adoption. If the adopter fails to comply with the agreement, an animal control officer may be dispatched to retrieve the dog or cat if corrective action has not been taken by the animal's owner.

Section 2-3-37. Suspected Rabid Animals Not to be Redeemed or Adopted

Notwithstanding any other provision of this Article, animals impounded which appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with Article II of this ordinance.

Section 2-3-38. Destruction of Wounded or Diseased Animals

Notwithstanding any other provision of this article, any animal impounded, which is seriously wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately. If the animal has identification, the Animal Control Section shall attempt to notify the owner before disposing of such, but if the owner cannot be reached readily, and the animal is suffering, the Animal Control Section may destroy the animal at its discretion in a humane manner. The Animal Control Section has the authority to humanely destroy severely injured livestock upon the owner's request or when the owner is unknown.

Section 2-3-39. Immediate Placement for Adoption or Destruction of Animal Surrendered by Owner.

An animal surrendered by its owner to the Animal Control Section may be immediately placed for adoption or humanely destroyed at the discretion of the Environmental Services Director or designee or the Director's designee without compliance with Section 2-3-33 when the owner:

- (1) Affirmatively represents in writing that he is the legal owner of said animal;
- (2) Agrees to hold the county and its officials and employees harmless from any liability, claims, or damages that may be sustained by reason of the adoption or destruction of said animal; and
- (3) Transfers ownership of said animal to the Animal Control Section.

Section 2-3-40. Effective Date

This ordinance supercedes the Wake County Animal Control Ordinance passed June 3, 1996. This ordinance is adopted on May 3, 2004.